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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Report of the Group of Three established under the Convention

Chairperson-Rapporteur: Ms. Lilia R. Bautista (Philippines)

Introduction

1. The International Convention on the Suppression and Punishment of the Crime of Apartheid, which was adopted by the General Assembly in resolution 3068 (XXVIII) of 30 November 1973, entered into force on 18 July 1976, on the thirtieth day after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. As at 15 December 1994, there were 99 States parties to the Convention (see E/CN.4/1995/102, annex).

2. Under article VII of the Convention, the States parties undertake to submit periodic reports on the legislative, judicial, administrative or other measures that they have adopted to give effect to the provisions of the Convention.

3. In accordance with article IX of the Convention, the Chairman of the Commission on Human Rights appoints a group consisting of three members of the Commission, who are representatives of States parties to the Convention, to consider the reports submitted by States parties in accordance with article VII. The Group may meet for a period of not more than five days, either before the opening or after the closing of the session of the Commission.

4. In accordance with article IX of the Convention and General Assembly resolution 31/80 of 31 December 1976, the Chairman of the Commission appointed the representatives of Ecuador, the Philippines and Romania as members of the Group.

5. By resolution 1993/10 of 26 February 1993, the Commission requested the Group of Three to continue to meet every two years to consider the reports submitted by States parties.

I. ORGANIZATION OF THE SESSION

A. Attendance

6. The Group held its sixteenth (1995) session at the United Nations Office at Geneva from 23 to 27 January 1995. The session was opened by the Assistant Secretary-General for Human Rights. The membership of the Group was as follows:

Ecuador:	Mr. Alfredo Pinoargote Cevallos Mr. Francisco Riofrio Maldonado
Philippines:	Ms. Lilia R. Bautista Ms. Olivia Palala
Romania:	Mr. Romulus Neagu Mr. Tudor Mircea

B. Election of officers

7. At its meeting held on 23 January 1995, the Group elected Ms. Lilia R. Bautista as Chairperson-Rapporteur.

C. Agenda

8. At its meeting held on 23 January 1995, the Group considered the provisional agenda (E/CN.4/AC.33/1995/L.1) submitted by the Secretary-General, and adopted the following agenda of its 1995 session:

1. Opening of the session by the representative of the Secretary-General
2. Election of officers
3. Adoption of the agenda
4. Future meetings of the Group
5. Report of the Group to the Commission on Human Rights.

II. FUTURE MEETINGS OF THE GROUP

9. The Group welcomed the significant and very positive developments that had occurred in South Africa since its last session, in particular the entry

into force on 27 April 1994 of South Africa's first non-racial and democratic Constitution, and the holding of the first non-racial elections from 26 to 29 April 1994, which resulted in the inauguration of Nelson Mandela as President of a united, non-racial and democratic South Africa, and as head of a Government of national unity.

10. The Group noted with satisfaction that with the entry into force of the new Constitution and the holding of free elections the system of apartheid had come to an end.

11. The Group also noted the various steps taken since 1993 by the United Nations to progressively put an end to all measures against South Africa, in particular General Assembly resolution 48/1 of 8 October 1993, by which the General Assembly decided by consensus to lift all economic sanctions with immediate effect and to lift the oil embargo as of the date the Transitional Executive Council became operational (on 7 December 1993), and Security Council resolution 919 (1994) of 25 May 1994, by which the Council decided to terminate the mandatory arms embargo and other restrictions against South Africa.

12. The Group took note in this context that the Special Committee against Apartheid, established by General Assembly resolution 1761 (XVII) of 6 November 1962 and the United Nations Centre against Apartheid, which had been coordinating United Nations action against the apartheid system in South Africa, had been dissolved.

13. The Group emphasized that, although the elimination of apartheid was, first of all, the victory of all South Africans of all races and the success of their political leaders, the international community and the United Nations had made significant contributions to the efforts leading to the end of the racist regime, including through the vigilant monitoring of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

14. The Group reiterated its belief that the crime of apartheid, as defined in article II of the Convention, and apartheid-like racist practices are an insult to humanity and constitute a denial of the purposes and principles of the international bill of human rights.

15. The Group once again called upon all States parties to the Convention to incorporate in their legislation provisions relating to the crime of apartheid and all practices of racial segregation.

16. The Group emphasized the important role that measures in the field of teaching and education played in familiarizing the population with the evils of apartheid and racial segregation.

17. While recognizing that the International Convention on the Suppression and Punishment of the Crime of Apartheid applied to any country that might practise racial segregation under an institutionalized apartheid system, the Group noted that thus far there is no claim by any State party that apartheid, as defined by the Convention, exists anywhere else than in southern Africa.

18. The Group noted that potential situations of practices of racial segregation that might exist outside South Africa would be covered under the International Convention on the Elimination of All Forms of Racial Discrimination, in particular under article 3 which provides that "States parties particularly condemn racial segregation and apartheid". The Group recalled that, in its General Recommendation III, the Committee on the Elimination of Racial Discrimination called upon States parties to the Convention to include in their reports information about the implementation of that article. The Group also recalled in this respect that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid, except one, were parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

19. The Group noted that, as at 30 June 1994, 213 reports were overdue and that, since its last session held from 25 to 29 January 1993, no reports had been submitted to it under article VII of the Convention.

20. In view of the foregoing, the Group recommends to the Commission on Human Rights to suspend for the time being any further meetings of the Group of Three, without prejudice to any subsequent reactivation of the monitoring mechanism of the Convention.

III. ADOPTION OF THE REPORT

21. At its meeting on 23 January 1995, the Group considered the draft report on the work of its 1995 session and adopted it unanimously.

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